

COLUCCI & GALLAHER, P.C.

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2016 NOV -3 PM 12: 41

November 3, 2016

CELA

Via Electronic Mail

Federal Election Commission
Office of Complaints Examination
And Legal Administration
Attn: Jeff S. Jordan, Esq.
999 E Street, NW
Washington, D.C. 20463

Re: MUR 7144

Dear Mr. Jordan:

Please allow this to serve as a response from both Ms. Rehorik and Mr. Jacobs to the Complaint made by Ms. LeBron and identified by the Federal Election Commission as MUR 7144.

By way of background, Mr. Jacobs is currently the duly elected Clerk of the County of Erie, New York, and is also the endorsed Republican, Conservative, Independence and Reform Party candidate for this year's contested race for the New York's 60th Senatorial District. The 60th Senatorial District contains parts of the City of Buffalo and several adjacent towns and villages, all of which are located within the County of Erie. The complainant, Ms. LeBron, resides in Rochester, New York, approximately 75 miles from Buffalo.

It appears from recent press releases (copies of which are attached) that Ms. LeBron is the figurehead for a politically motivated attack against Mr. Jacobs. Ms. LeBron has made numerous statements to the media regarding the complaint, yet does not identify how she actually obtained knowledge of the facts supporting her allegations. Under FEC guidelines, a complainant is required to "[d]ifferentiate between statements based on the complainant's (the person who files the complaint) personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information." Neither Ms. Rehorik nor Mr. Jacobs have ever met Ms. LeBron, so she could not have any direct personal knowledge of the statements relating to their situation or background. Furthermore, the complaint fails to state that the allegations are made upon "information and belief" or identify the source of any of the information used to support the allegations.

The political motivation for the complaint is based on the existence of the press releases (that quote Ms. LeBron) issued soon after the complaint was filed. The initial press release clearly implies that Julia Queen, Public Affairs Specialist for the FEC, confirmed that the FEC has "initiated an investigation" of Mr. Jacobs and Ms. Rehorik for the violation of a Federal

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Election Law. It is my understanding that under 52 U.S.C. §30109(a)(12)(A), notifications or investigations made under the enforcement section of the Federal Campaign Finance Law "shall not be made public by the Commission or by any person without the written consent of the person receiving such notification that a person with respect to whom such investigation is made." I do not believe that written consent was provided by either Ms. Rehorik or Mr. Jacobs. Neither Ms. Rehorik nor Mr. Jacobs believe that the FEC violated the confidentiality provision found in the law; it appears that Ms. LeBron, and whomever she is working with, clearly have manipulated the fact that a complaint was filed and the FEC's acknowledgement of receipt to focus of their attack against Mr. Jacobs.

As for the merits of the allegations set forth in the complaint, Ms. LeBron's ignorance of the facts is clear. For example, Ms. LeBron states that Ms. Rehorik may be a "foreign national" and therefore ineligible to make donations to a federal campaign. While Ms. Rehorik was born outside of the United States, she is not a "foreign national" under the Federal Election Law; the FEC Foreign National Brochure clearly identifies individuals with a green card as being an exception to the "foreign national" category. If Ms. LeBron had any personal knowledge of the allegations, she would have known that Ms. Rehorik obtained her green card on December 4, 1993, and that her United States Citizenship and Immigration Services number is 044-145-850. As such, Ms. LeBron's insinuation that Ms. Rehorik's donation was illegal because she is a "foreign national" is both ignorant and incorrect.

As for Ms. LeBron's supposition that Ms. Rehorik could not afford to make a donation based on her salary as an employee of the Erie County Clerk's office, she again lacks the facts to make an informed statement. As seen in the attached correspondence from Peggy Lagree, First Deputy County Clerk, Ms. Rehorik's employment with the Erie County Clerk's Office ended on February 5, 2014, almost 18 months prior to Ms. Rehorik's donation to the Jeb2016 campaign. Ms. Rehorik's employment after she left the Erie County Clerk's Office well afforded her the opportunity to make such a donation.

Ms. Rehorik, who attended the Jeb2016 fundraiser in Buffalo and met Governor Bush, made the donation to the campaign with her own funds and of her own volition. Ms. LeBron's supposition that the donation was made "to let the Bush campaign know that the contribution was on" Mr. Jacob's behalf lacks any factual support and is incorrect.

Ms. Rehorik has been involved with Mr. Jacobs' campaign for the State Senate, as well as local state and national republican politics, well before the July 2015 donation to Jeb2016. Furthermore, Ms. LeBron's conjecture and speculation as to the addresses used by Ms. Rehorik and Mr. Jacobs' for various political donations is not a legitimate basis for a complaint.

Given the fact that Ms. Rehorik has been granted a green card and is a permanent resident of the United States, as well as Ms. LeBron's uninformed speculation on Ms. Rehorik's financial

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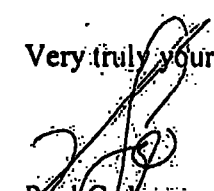
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wherewithal to make a donation Jeb 2016 Campaign, both Ms. Rehorik and Mr. Jacobs request this Complaint be dismissed.

Finally, please allow this to confirm that neither Ms. Rehorik nor Mr. Jacobs give their consent for the release of any information related to this investigation.

Very truly yours,


Paul G. Joyce
for COLUCCI & GALLAHER, P.C.

PGJ/dng

cc: Ms. Martina Rehorik (with enclosures)
Mr. Christopher L. Jacobs (with enclosures)

17-02147-1000000

FYI

FOR IMMEDIATE RELEASE:

Contact: investigativert@protonmail.ch

STATE SENATE CANDIDATE CHRIS JACOBS FACES FEDERAL PROBE

October 18, 2016

Rochester, NY -- Today, the Federal Election Commission confirmed that it has initiated an investigation of Chris Jacobs and his girlfriend for the violation of federal election law. According to correspondence from Julia Queen, Public Affairs Specialist at the Federal Election Commission, the FEC's enforcement process is confidential and they are prohibited from providing information on pending matters; but a leaked copy of the complaint outlines the accusations against Jacobs.

Jacobs allegedly funneled money to Martina Rehorik to usurp federal campaign contribution limits in the 2016 presidential primary. Jacobs, a multi-millionaire and heir to a family fortune, sent the maximum contribution of \$2,700 to Jeb Bush's campaign on 6/29/15. He then allegedly provided Rehorik with \$2,700 and directed her to 'max-out' to the campaign. She made the contribution on 7/15/15, a campaign finance reporting deadline. This is especially significant because in addition to being Jacobs' girlfriend she was also his employee, she was a "special assistant" at the Erie County Clerk's office, on his campaign payroll, and doing work for his real estate development company. Rehorik's contribution was 15x greater than all of her previous political contributions and it is seemingly out of line with her publicly reported salary as an employee of the Erie County Clerk's office and Friends of Chris Jacobs.

In recent weeks, Jacobs has faced criticism for accepting money, directly and indirectly, throughout his political career from Louis P. Ciminelli, his family members, and LPCiminelli. Louis P. Ciminelli and key members of LPCiminelli with close ties to Jacobs are facing federal charges in a pay-to-play scandal that has rocked Albany and Western New York. Jacobs is also at the center of a brewing scandal with LPCiminelli and the \$1.3 billion reconstruction project for the Buffalo Public Schools. Jacobs served on the Buffalo Board of Education and the Joint Schools Construction Board when nearly \$50 million dollars went missing or was otherwise unaccounted in the project managed by LPCiminelli.

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Sent from ProtonMail Mobile

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From: Investigativerpt <investigativerpt@protonmail.ch>
Date: October 20, 2016 at 10:53:45 PM EDT
To: undisclosed-recipients;
Subject: Fwd: Documents released in Jacobs election scandal
Reply-To: Investigativerpt <investigativerpt@protonmail.ch>

FYI:

Contact: James Strauss
716-253-1824

October 20, 2016

17044413000
GOP Golden Boy Chris Jacobs may be in trouble, both real and political. Reports of an investigation conducted by the Federal Election Commission (FEC) into Jacobs and his girlfriend surfaced earlier this week, which until now were unsubstantiated. But copies of the signed complaint and the FEC response have come to light, both are attached here.

The FEC complaint outlines that Chris Jacobs did in fact employ his girlfriend, Martina Rehorik, as his "special assistant" at the County Clerk's office while she was simultaneously employed by his campaign committee, Friends of Chris. This coincided with Rehorik doing work for his real estate development company, Avalon Development. To make matters worse for Jacobs, the Federal Election Commission is investigating claims that Jacobs, a multi-millionaire and heir to a family fortune, committed election fraud by funneling \$2,700 to his girlfriend, directing her to give the maximum contribution to Jeb Bush's Presidential primary campaign just two weeks after he contributed the maximum amount.

Rehorik's contribution is seemingly out of line with her publicly reported salary and her previous political contributions. But the most disturbing revelation in the FEC complaint may be that since Rehorik was born outside of the United States any contribution made to federal candidates in her name could be illegal. If this is true, Jacobs may have violated more than one campaign finance law in giving her money to 'max-out' to the Jeb Bush campaign.

The allegations outlined in the complaint are breathing new life in to the results of a poll conducted during the Republican primary.

The telephone poll of 556 registered Republicans with a history of voting in primary elections in the 60th Senate district was conducted on August 29th and 30th. It showed that party loyalists would not support Jacobs if he gave his girlfriend a government job in his office while he served as Erie County Clerk. Forty-nine per cent of voters responding to the question said that they would not vote for Jacobs if he gave his girlfriend a government job while she worked on his political campaign. Additionally, 28% of those surveyed said they were unsure if they could support him given this information.

Beatriz Lebron, who filed the complaint, said, "Elected officials should be held to high standards, and this is especially true of those who campaign on cleaning up corruption. Someone who cannot recognize blurred lines cannot change the culture that has corroded state politics for so long. Chris Jacobs is just more of the same."



COUNTY OF ERIE

CHRISTOPHER L. JACOBS

COUNTY CLERK

October 20, 2016

To Whom It May Concern::

Martina Rehorik was employed in the Erie County Clerk's Office from December 19, 2011 through February 5, 2014.

If any additional information is required, please contact the undersigned at 716-858-2807.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peggy A. Lagree", is written over the printed name.

PEGGY A. LAGREE
First Deputy County Clerk

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